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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,797	10/22/2001	Claude Ricard	RICARD 5	8558

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EXAMINER

RUHL, DENNIS WILLIAM

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,797

Applicant(s)

RICARD, CLAUDE

Examiner

Dennis Ruhl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/17/04
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Applicant's amendment of 12/17/04 has been entered. Applicant's arguments have been considered but are deemed moot based on the new grounds of rejection. This action is a non-final action.

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1,2,4-7,15-21 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two prong test of:

1. Whether the invention is within the technological arts; and
2. Whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere idea in the abstract (i.e. abstract ideas, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e. physical sciences as opposed to social sciences for example), and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, use or advance the technological arts.

For claims 1,2,4-7,15-21, the scope of the claims is not reciting the use of any technology of any kind. All of the recited steps could be done by a person visually looking at the printer and printer head to determine if it is still connected. The same

holds true for checking the paper and seeing if there is enough to be able to print a receipt, this can be done visually. The "detecting of the occurrence of the disconnection of the printing head" can be done visually by a person. The triggering antifraud action could then be the person plugging the printer back in or reinstalling the printer head, or simply taking note of the disconnection. The monitoring electrical consumption can be seeing whether or not the printer is plugged in or not by visual inspection. Not being plugged in means no consumption of electricity. The recited step of detecting the disconnection covers every possible way that this can be done and this then means that the claim is directed to an abstract idea, which is not statutory. The claims do not require the use of any technology and nothing is being manipulated in any manner, so the claims are not found to be within the technological arts and are not considered statutory.

3. The following is a quotation of 37 CFR 1.71(a)-(c):

(a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

(b) The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old. It must describe completely a specific embodiment of the process, machine, manufacture, composition of matter or improvement invented, and must explain the mode of operation or principle whenever applicable. The best mode contemplated by the inventor of carrying out his invention must be set forth.

(c) In the case of an improvement, the specification must particularly point out the part or parts of the process, machine, manufacture, or composition of matter to which the improvement relates, and the description should be confined to the specific improvement and to such parts as necessarily cooperate with it or as may be necessary to a complete understanding or description of it.

The specification is objected to under 37 CFR 1.71 because it fails to provide an adequate written description of the invention so that one of skill in the art can make and use the claimed invention.

For claim 4, one of skill in the art would not know how to make the invention so that the "antifraud action" is the act of making information appear on a ticket. The specification as originally filed does not disclose how this is done. If the printer head is not connected to the taximeter because it was disconnected by a dishonest taxi driver, it necessarily follows that the printer cannot print the ticket so what is making the information appear on a ticket? It is not clear how the ticket is generated in this situation. One of skill in the art would be left to guess as to how this is done and undue experimentation would necessarily be involved.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

For claim 4, one of skill in the art would not know how to make the invention so that the "antifraud action" is the act of making information appear on a ticket. The

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specification as originally filed does not disclose how this is done. If the printer head is not connected to the taximeter because it was disconnected by a dishonest taxi driver, it necessarily follows that the printer cannot print the ticket so what is making the information appear on a ticket? It is not clear how the ticket is generated in this situation. One of skill in the art would be left to guess as to how this is done and undue experimentation would necessarily be involved.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 5,10,11,17, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 5, there is no antecedent basis for "the neutralization of the taximeter". In claim 1, it was not recited that there is any neutralization; however, claim 2 does contain this limitation. Should claim 5 depend to claim 2 instead of claim 1? Claim 5 depends to claim 1 so it is not clear what is being claimed. For what situation of claim 1 does the neutralization occur? When in the "for hire" position or the "tariff position"? This is not clear.

For claim 10, no dial has previously been claimed so there is no antecedent basis for this term. Is the "dial" some kind of monitor or display? How can a dial enable the display of a signal? What is the scope of the term "dial"? A dial is something that is

usually turned to do something, like the dial on a stove for the heat setting. Because a dial is not seen as being able to display anything the scope of this term is not clear.

For claim 11, it is not clear what is being claimed. The use of the word “alternatively” is not clear. Does this mean that the signaling takes place at the same time as the displaying of a total or that the displaying of the total happens instead of the signaling step? What does the term “alternatively” lend to the claim’s scope?

For claims 17, while not necessarily an indefiniteness problem, applicant may want to consider amending the claim to read “as claimed in claim 12, further comprising checking the paper...” to improve readability. The claim needs a transitional phrase such as “wherein the step of...” or “further comprises”. With respect to “and triggering the antifraud action in the case where the supply”, is this now reciting that the antifraud action of claim 1 happens again when a 2nd situation arises? The same antifraud action as when the printer is disconnected? Or is this claiming that the antifraud action of claim 1 can happen when the supply of paper is deemed insufficient, regardless of the status of the printer head? Is this claiming what will happen “if” a certain situation arises or is this claim actually positively reciting the checking of the paper with the result possibly being the same action of that of claim 1, but when in the tariff position only? What happens when the paper is deemed insufficient when the taximeter is in the “for hire” mode (because in that case there is no antifraud action claimed as being performed)?

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8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1,4,6,7,16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ricard (EP0880111).

For claims 1,7,16-21, Ricard discloses a taximeter 1 that calculates a fare for a trip in the taxi. Ricard discloses the claimed positions of "for hire" and "tariff" for the taximeter. There is a printer 3 connected to the taximeter that is used to print a receipt for the customer. Ricard discloses that it is desirable to detect the amount of paper in the printer so that a printed receipt can be given to the customer. If it is determined that not enough paper is in the printer to be able to print a receipt for an upcoming trip, the taximeter is disabled and cannot be turned from the "for hire" position to the "tariff" position. Ricard recognizes the importance of being able to print a receipt to such an extent that if no paper is detected in the printer, the taximeter is disabled. Ricard recognizes the importance of having a functioning printer. Not disclosed is that the connection of the printer head is detected. When an honest driver is operating the taxi, it would necessarily follow that he/she would want the printer to work correctly so that receipts can be printed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to visually inspect the printer to make sure the printer is connected (and the printing head) so that a receipt can be printed for the customer. During the normal course of conducting the business of being a taxi driver, the driver

would necessarily notice if the printer head is disconnected or became dislodged somehow, because no receipts could be printed. The fact that the printer is not working would necessarily lead one of ordinary skill in the art to see if it is at least connected properly. During a fare, if the driver notices the printer or printer head has become disconnected, the "antifraud action" would be the taxi driver reinstalling the printer head or reconnecting the printer so that a receipt can be printed for the customer. The claim reads on an honest taxi driver visually noticing that the printer or printer head has become disconnected (either during the time when a receipt is to be printed or at random) and reconnecting the printer to allow printing of receipts.

For claim 4, the claimed "making an item of information appear on a ticket" is interpreted to be the reconnecting of the printer or printer head (an antifraud action) and the printing of a receipt (a ticket with information) after the reconnection.

For claims 6, not disclosed is the detecting of the disconnection at the claimed time. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the disconnection of the printer visually would happen at any time because the printer is in sight of the taxi driver and in their immediate area.

10. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ricard (EP0880111) in view of Gilham (0393896).

For claims 1,6,17,19,20,21, Ricard discloses a taximeter 1 that calculates a fare for a trip in the taxi. Ricard discloses the claimed positions of "for hire" and "tariff" for the taximeter. There is a printer 3 connected to the taximeter that is used to print a

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receipt for the customer. Ricard discloses that it is desirable to detect the amount of paper in the printer so that a printed receipt can be given to the customer. If it is determined that not enough paper is in the printer to be able to print a receipt for an upcoming trip, the taximeter is disabled and cannot be turned from the "for hire" position to the "tariff" position. Ricard recognizes the importance of being able to print a receipt to such an extent that if no paper is detected in the printer, the taximeter is disabled. Ricard recognizes the importance of having a functioning printer. Not disclosed is that the disconnection of the printer head is detected as claimed. Gilham discloses a mail metering system where a printer is separate from the system itself and is capable of being disconnected. Gilham discloses that it is desirable to detect whether or not the printer is connected to the rest of the system. Disconnection of the printer may be an indication that fraud is happening. It would have been obvious to one of ordinary skill in the art to provide Ricard with the ability to detect if the printer has been disconnected as disclosed by Gilham, so that it can assured that a receipt can be printed by a functioning printer. Because Ricard recognizes the importance of being able to print a receipt, so much so that the taximeter is disabled if there is not enough paper, it is considered obvious to one of ordinary skill in the art to also make sure that the printer itself is connected to the taximeter so that a receipt can be printed. Because Ricard discloses that the taximeter is not able to go into the "tariff" position when a paper problem in the printer is detected, it would necessarily follow that if it was detected that the printer was not even connected to the taximeter when in the "for hire" position, one would disable the taximeter and not allow it to be turned into the "tariff" position as claimed. When it

has been detected that the printer is not connected the taximeter, this also means that the printer head is not connected to the taximeter.

For claims 2-4, the antifraud action only happens when the disconnection is detected when the taximeter is in the "tariff" position. The claims do not require any "antifraud" action because claim 1 sets forth two situations, only one of which is needed to reject the claims. The examiner has the claimed situation of detection of printer disconnection when in the "for hire" position, which satisfies what is claimed. The claims have not specifically recited that the detection has happened when in the "tariff" position.

For claim 5, as best understood by the examiner, the above 103 satisfies what is claimed.

For claims 7,9, not disclosed is that the detection of the printer being connected or disconnected is done during a request to print a receipt, or during the "tariff" position. Because Ricard recognizes the importance of being able to print a receipt and the 103 combination results in the connection of the printer being detected, it would have been obvious to one of ordinary skill in the art at the time the invention was made to detect the connection of the printer at other times, such as the times claimed. This is just a repeating of the step of printer detection at more than one time, which is considered obvious, especially in view of the fact that Ricard recognizes the importance of a functioning printer. It then follows that a disconnection of the printer will be signaled by the taximeter.

For claim 8,10, the inability of the taximeter to be put into the "tariff" position from the "for hire" position is an alarm signal that the disconnection of the printer has been detected.

For claim 11, the taximeter would still display the total for the trip as claimed.

For claims 12-14, Gilham discloses the claimed manner of printer disconnection monitoring. Gilham discloses the monitoring of signals from the printer. See column 6, line 7-column 7, line 26.

For claim 15, not specifically disclosed is the detection of the electrical consumption of the printer to detect any disconnection; however, the examiner feels that the method of Gilham satisfies what is claimed. This is because if the printer is not connected to the taximeter and has no power, this fact is noted by the fact that no signals have been returned from the printer. No signals being returned indicate no connection, and also no power to the printer.

For claim 16, Ricard inherently uses "mechanically secure" connectors as claimed. This is a very broad term and because the printer head of Ricard is in place during use, there are inherently some kind of mechanical connectors.

For claim 18, the examiner interprets the limitation of "during the request to print the receipt" to be satisfied by Ricard. When a person wants to use the taxi and the meter is switched to "tariff", the supply of paper is then checked. The fact that a person is intending to use the taxi is a request for a receipt because each customer is to be given a receipt. The time period claimed has not been specifically defined and has been interpreted broadly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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